



THE CORPORATION OF THE MUNICIPALITY OF LEAMINGTON

SPECIAL MEETING OF MUNICIPAL COUNCIL

**TUESDAY, AUGUST 2, 2011
COMMENCING AT 12:00 NOON
IN LEAMINGTON COUNCIL CHAMBERS**

(A) CALL TO ORDER:

(B) DISCLOSURES OF PECUNIARY INTEREST:

(C) REPORTS OF STAFF & DELEGATIONS:

1. Report PLA-37-11 dated July 21, 2011 re: Application for Site Plan Control Approval Proposed Greenhouse Development - Phase 1 - Pomas Farms 1057 Highway 77
Pages 2-5
2. Report PLA-38-11 dated July 27, 2011 re: Zoning By-law Amendment # 41 Proposed Greenhouse Development - 435 Mersea Road 3 (1560987 Ontario Ltd - Fausto Amicone)
Pages 6-9
3. Report PLA-39-11 dated June 23, 2011 re: Application for Site Plan Control Approval Proposed Greenhouse Expansion - Phase 3 & 4 C & B Farms Inc. (Chris and Brady Tiessen) 327 Essex Road 18
Pages 10-13

(D) CONSIDERATION OF BY-LAWS:

By-law 148-11, being a by-law to amend the Comprehensive Zoning By-law No. 890-09 for the Municipality of Leamington, which pertains to the subject lands ZBA 41-435 Mersea Road 3

By-law 149-11, being a by-law to confirm the proceedings of the Council of the Municipality of Leamington at its meeting held August 2, 2011.

(E) ADJOURNMENT:

REPORT

TO: MAYOR AND COUNCIL
FROM: DENISE McGREGOR, PLANNING TECHNICIAN
DATE: JULY 21, 2011
SUBJECT: APPLICATION FOR SITE PLAN CONTROL APPROVAL
 PROPOSED GREENHOUSE DEVELOPMENT - PHASE 1
 POMAS FARMS - 1057 HIGHWAY 77, LEAMINGTON

AIM:

To report upon an application for site plan control for a proposed greenhouse development located at 1057 Highway 77.

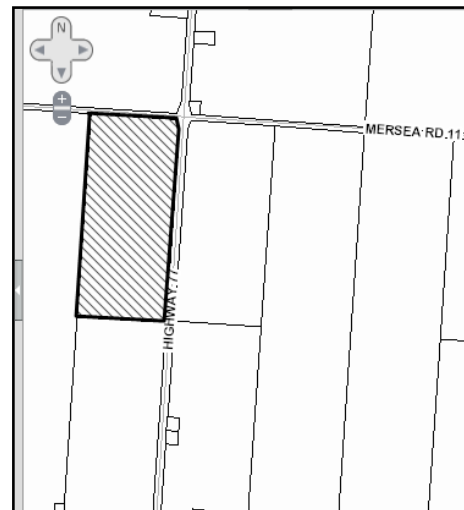
BACKGROUND:

Staff received an application from the owner of the subject property to construct 16.899 Acres of greenhouse which is Phase 1 of this development. There is currently no site plan agreement on this property. Phase 2 and any other future phases would be subject to further review and approvals by the Municipality at the time of application.

Property Description:

The subject property is described as North Part Lot 6, Concession 10, in the former Mersea Township and now in the Municipality of Leamington. See key map attached.

The subject property is approximately 51.09 acres in size. It is situated at the corner of Highway 77 and Mersea Road 11. The property is surrounded by agricultural uses to the north, south, east and west.



Proposal:

The owner proposes to construct 16.899 acres of greenhouses, a service area building and a hot water storage tank in phase 1 of construction. There currently is a dwelling on site.

Site Plan Details:

The subject property is zoned A1 (Agricultural General Zone) on Map 5 of the Municipality of Leamington Zoning By-law No. 890-09. The property is designated Agricultural on Schedule A-1 in the Official Plan approved February 5, 2008.

The site plan received July 19, 2011 prepared by N. J. Peralta Engineering Ltd. meets all provisions of the Municipality of Leamington Zoning By-law No. 890-09 and is being recommended by staff.

On May 18, 2011, Water Services received recommendations from Stantec for this development. The recommendation for the rate of flow control valve system to regulate inflow not exceeding 128 Imperial Gallons per minute to limit total water delivery volume to the proposed treatment capacity allocation of 153,790 imperial gallons per day over a 20 hour period. The owner must maintain sufficient onsite water storage to achieve a total working volume of 126,750 imperial gallons or greater. This recommendation will be included in the site plan agreement.

The Ministry of Transportation (MTO) has asked the owner to upgrade the entrance to the site off of Highway 77. The owner's engineer has submitted a revised site plan showing an alternate solution to the entrance off of Highway 77 and is waiting for approval from the MTO.

The owner is required to install two fire hydrants on site. The location of the fire hydrants will be reviewed and approved by the Fire Chief and the Manager of Water Services. This provision will be included in the site plan agreement.

Other Provisions:

The proposed site plan agreement contains standard provisions that provide for matters such as securities, cash-in-lieu of parkland, payment of development charges, and issuance of building permits all in accordance with the development policies approved by the Municipal Council.

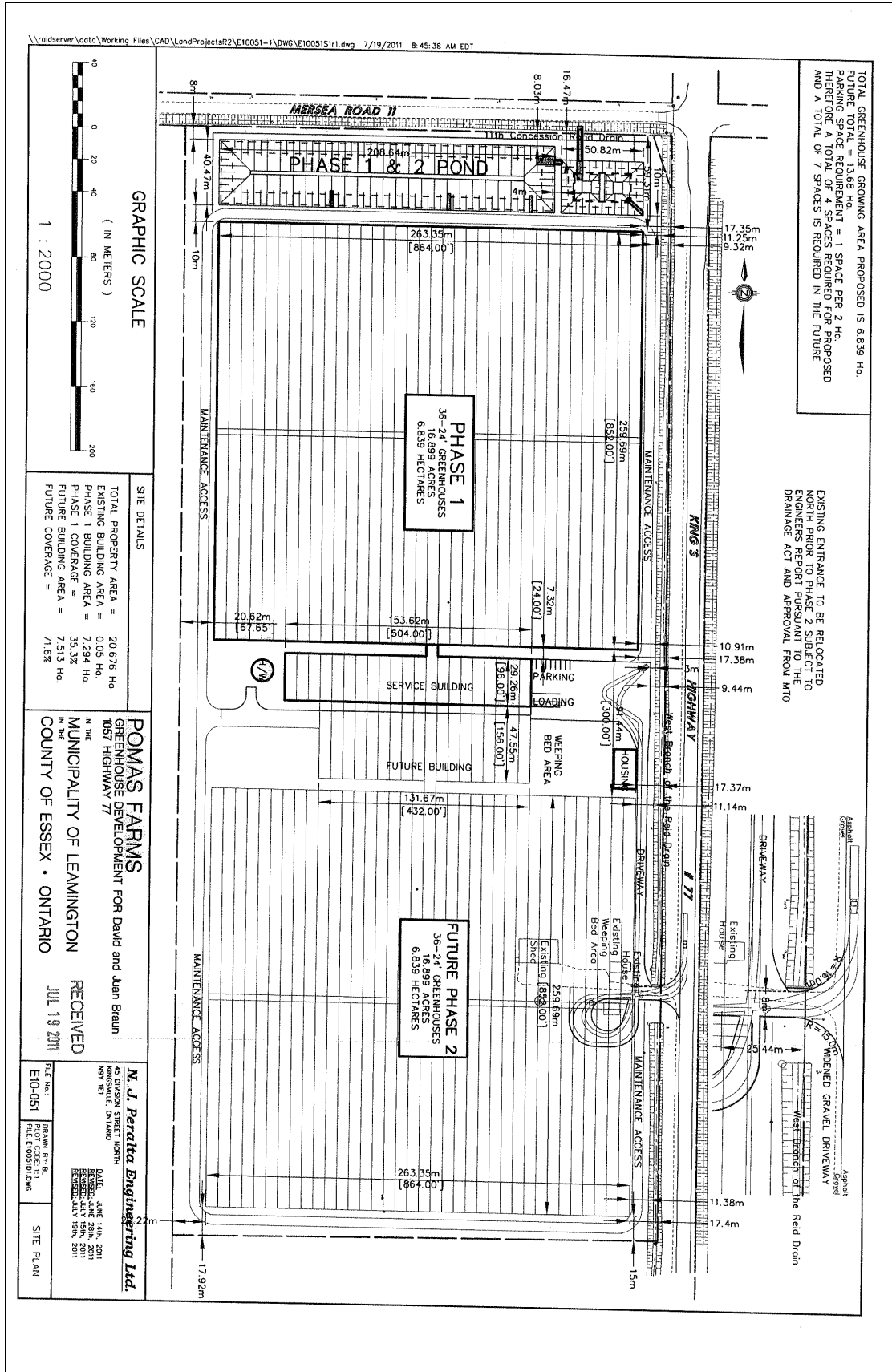
CONSULTATION AND CONCLUSION:

Administration has completed their review of the proposed site plan as part of the pre-consultation process.

The Municipality of Leamington may exercise the site plan powers assigned to it under Section 41 of the Planning Act, 1990. Its objectives in using these powers are:

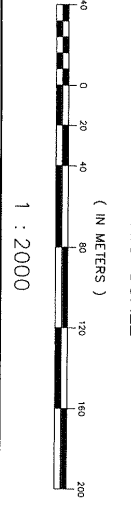
- (a) To ensure property standards of site design for new development;
- (b) To ensure safety and efficiency of vehicular and pedestrian access;
- (c) To minimize incompatibilities between new and existing development;
- (d) To control the location of driveways, parking, loading and garbage collection facilities;
- (e) To ensure easements or grading and alteration necessary to provide for public utilities and site drainage;
- (f) To ensure that the development proposed is built and maintained as approved by Council.

It is administration's opinion that the proposed development is in compliance with the objectives of the Planning Act and the Municipality's policies.



TOTAL GREENHOUSE GROWING AREA PROPOSED IS 6,839 Ha.
 TOTAL GREENHOUSE GROWING AREA PROPOSED IS 3,368 Ha.
 PARKING AREA REQUIRED FOR PHASE 1 IS 1 SPACE PER 2 Ha.
 THEREFORE A TOTAL OF 4 SPACES REQUIRED FOR PROPOSED PHASE 1 AND A TOTAL OF 7 SPACES IS REQUIRED IN THE FUTURE

EXISTING ENTRANCE TO BE RELOCATED NORTH PRIOR TO PHASE 2 SUBJECT TO ENGINEER'S REPORT PURSUANT TO THE DRAINAGE ACT AND APPROVAL FROM MTO



SITE DETAILS

TOTAL PROPERTY AREA =	20,676 Ha
EXISTING BUILDING AREA =	0.05 Ha.
PHASE 1 BUILDING AREA =	7,294 Ha.
PHASE 1 COVERAGE =	35.3%
FUTURE BUILDING AREA =	7,513 Ha.
FUTURE COVERAGE =	71.6%

POMAS FARMS GREENHOUSE DEVELOPMENT FOR David and Juan Braun
 1057 HIGHWAY 77
 IN THE MUNICIPALITY OF LEAMINGTON
 IN THE COUNTY OF ESSEX • ONTARIO
 RECEIVED JUL 19 2011

M. J. Peralta Engineering Ltd.
 43 DAVENPORT STREET NORTH
 MISSISSAUGA, ONTARIO
 M5S 1K7
 DATE: JUNE 14th, 2011
 REVISION: JUNE 20th, 2011
 REVISION: JULY 19th, 2011

FILE No.: E10-051
 DRAWN BY: M. PERALTA
 PLOT CODE: N-1
 FILE NO: 051005101001
 SITE PLAN

RECOMMENDATION:

THAT the site plan be approved for the proposed greenhouse development located at 1057 Highway 77 (Pomas Farms) as outlined in Report PLA 37/11;

AND FURTHER, that the Mayor and Clerk be authorized to execute the site plan agreement once approval from the Ministry of Transportation has been received.

Respectfully submitted,

Denise McGregor,
Planning Technician

Tracey Pillon-Abbs, Planner,
Manager of Planning Services

T:\Development\Reports\2011 Reports\Planning\Planning - Word document\PLA-37-11 Pomas Farms - 1057 Highway 77.docx

REPORT

TO: MAYOR AND MEMBERS OF COUNCIL
FROM: TRACEY PILLON-ABBS, MANAGER OF PLANNING SERVICES
DATE: JULY 27, 2011
SUBJECT: ZONING BY-LAW AMENDMENT NO. 41
 PROPOSED GREENHOUSE DEVELOPMENT
 435 MERSEA ROAD 3 (1560987 ONTARIO LTD - FAUSTO AMICONE)

AIM:

To report upon a public meeting held to consider a proposed zoning by-law amendment for property located at 435 Mersea Road 3.

BACKGROUND:

Staff has received an application for re-zoning by the owner(s) of the property, to amend the subject lands to reduce the required minimum interior side yard and rear yard setbacks in order to permit a greenhouse development (phase 3).

The subject property is described as Concession 3, Lot 4 and 5, Parts 1 and 2 on 12R-20423 and locally known as 435 Mersea Road 3 in the former Town of Leamington, now a portion of the Municipality of Leamington (see key map).

COMMENTS:

A public meeting was held on July 11, 2011 (minutes previously circulated) for the application for zoning by-law amendment. Correspondence was received by the Essex Region Conservation Authority (ERCA) with no objections.

After the public meeting, correspondence was received by the Ministry (MTO) of Transportation indicating that they had no objections subject to obtaining MTO Building and Land Use Permit.



A concern was raised by a neighbour regarding erosion. Administration confirms that the owner will address this at the time of site plan control through either slope, grass or fox blocks. Another

Normally, the Committee of Adjustment for the Municipality of Leamington would consider allowing the relief under an application for minor variance. However, the variance requested for the minimum interior west side yard of the proposed phase 3 addition of the subject property is more than 50% and is deemed as not to be minor in nature.

The applicant has expressed some concerns with the manner in which he has been asked to proceed in this matter and has requested that the fee of \$2000.00 for the zoning application be reconsidered. Administration does not recommend that the fees be reconsidered as the direction of Council in 2010 was to ensure that the implementation of the new zoning by-law was enforced in a fair manner to ensure that there would be no negative impact on existing and future farm operations and abutting land owners.

Further, regarding the applicants concern about previous site plan agreements, section 4.36 (Non-Conforming Uses) set outs the following:

a) Building Permit Issued

The provisions of this By-law shall not apply to prevent the erection or use of any building or structure for a purpose prohibited by this By-law of any building or structure the plans for which have been submitted no more than thirty days prior to the date of the passing of the By-law, and have been approved for zoning requirements by the Planner, so long as the building or structure when erected is completed in conformity with such plans and is used and continues to be used for the purpose for which it was erected and provided the erection of such building or structure commenced within two years after the date of the passing of the By-law and such building or structure is completed in conformity with such plans expeditiously after the construction thereof is commenced.

The site plan was approved 30 days prior to the date of the passing of the by-law, which was January 12, 2009 however the structures had to have been erected two years after, which was January 12, 2011. Therefore the applicants' previous site plan does not qualify for the exemption. In addition, based on correspondence on file dated January 28, 2010 by Planning Services (for phase II greenhouse expansion), it was explained that a minor variance would be required as part of any future phases of greenhouse development.

Therefore, it is administration's opinion that;

- i) The application is consistent with the policy statements issued under subsection 3 (1) of the Planning Act.
- ii) The application conforms to or does not conflict with any applicable provincial plan or plans.
- iii) The development proposed is in keeping with the overall goals and policies of the Official Plan.
- iv) The proposed amendment does meet the criteria used when considering applications to amend the zoning by-law.

Once a decision for Zoning By-Law amendment has been made and notices sent out, there would be an appeal period in the case that there are any objections to the Ontario Municipal Board (OMB).

As set out under Bill 51 of the Planning Act, the OMB is required not only to have regard to Council's decision, but the basis on which the decision is made. In order to ensure that the OMB has regard to Council's decision, Council should be able to demonstrate that its decision was fully supported by relevant information and that the information was considered by Council.

RECOMMENDATION:

THAT Council approves the zoning by-law amendment for property located at 435 Mersea Road 3 to change the zone from Agricultural Restricted Zone (A2) to a defined Agricultural Restricted Zone (A2-5) to permit a site specific reduction to the required minimum rear yard from 15 m to 13.72 m and the minimum interior west side yard from 15 m to 5.9 m., as outlined in Report PLA 38/11;

AND that the Clerk be directed to forward the amending by-law to Council for its consideration;

AND that Council deny the request by the Applicant to waive the re-zoning application fee.

Respectfully submitted,

Tracey Pillon-Abbs,
Manager of Planning Services

/tpa

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REPORT

TO: MAYOR AND COUNCIL

FROM: DENISE MCGREGOR, PLANNING TECHNICIAN

DATE: JUNE 23, 2011

SUBJECT: APPLICATION FOR SITE PLAN CONTROL APPROVAL
 PROPOSED GREENHOUSE EXPANSION - PHASE 3 & 4
 C & B FARMS INC. (CHRIS & BRADY TIESSEN)
 327 ESSEX ROAD 18

AIM:

To report upon an application for site plan control for a proposed greenhouse development located at 327 Essex Road 18.

BACKGROUND:

Staff received an application from the owners of the subject property to construct a greenhouse expansion at 327 Essex Road 18. The municipality has entered into an agreement with the owners for Phase 2 dated June 8, 2004. The new agreement will be for phases 3 and 4. All future phases will require additional review and approvals from the municipality.

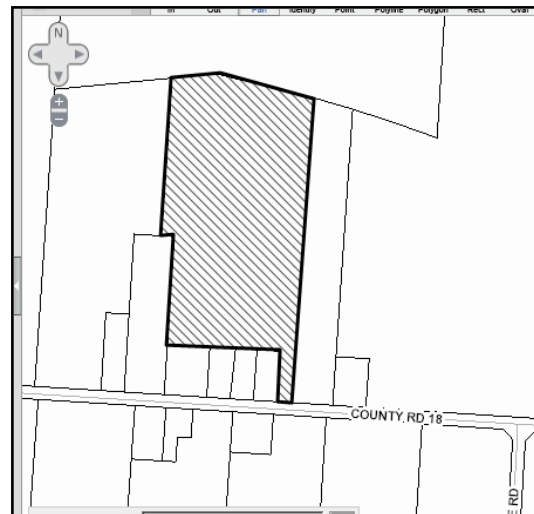
Property Description:

The subject property is described as South Part Lot 3, Concession 4, in the former Township of Mersea and now a portion of the Municipality of Leamington and known locally as 327 Essex Road 18 (see key map).

The area of the subject property consists of 22.63 acres in size. The property fronts Essex Road 18. It abuts agricultural to the north, agricultural and residential to the south, agricultural to the east and residential and woodlot to the west.

Proposal:

The property currently has 9.76 acres of buildings and greenhouses. The owner is proposing to construct 5.30 acres of greenhouse, storage building and bunkhouse as Phases 3 and 4.



Site Plan Details:

The subject property is zoned A3 (Agricultural Hobby Farm Zone) on Map 27 of the Municipality of Leamington Zoning By-law No. 890-09. The property is designated Agricultural on Schedule A-3 in the Official Plan, approved February 5, 2008.

The owner did apply to the Committee of Adjustment for minor variances to reduce the setbacks along the west property line from 49.21' to 34.54' to permit the greenhouse expansion. The minor variance was granted on May 31, 2011 and no appeals were received.

The Essex Regional Conservation Authority at the time of the Committee of Adjustment hearing expressed their concern with respect to the greenhouse expansion being adjacent to significant woodlands. The owners were asked to carry out an Environmental Impact Assessment to ensure that the woodland would be protected. The report has been prepared and will be forwarded to our office for our records. ERCA has submitted a clearance for the expansion dated July 13, 2011.

Therefore, the site plan complies with the Committee of Adjustment decision and the Zoning By-law.

A Site Plan received May 5, 2011, has been prepared by N.J. Peralta Engineering Ltd. and has been approved by municipal staff.

Water Services received recommendations from Stantec for this development. The owner is to provide and implement a rate of flow control valve system to regulate inflow not exceeding 121 imperial gallons per minute to limit total water delivery volume to the proposed treatment capacity allocation of 146,000 imperial gallons per day over a 20 hour period. The owner must maintain sufficient on-site water storage to achieve a total working volume of 109,500 imperial gallons or greater.

These conditions will be included in the site plan agreement to be registered on title of the property.

Other Provisions:

The proposed site plan agreement contains standard provisions that provide for matters such as securities, cash-in-lieu of parkland, payment of development charges, and issuance of building permits all in accordance with the development policies approved by the Municipal Council.

CONSULTATION AND CONCLUSION:

Administration has completed their review of the proposed site plan as part of the pre-consultation process.

The Municipality of Leamington may exercise the site plan powers assigned to it under Section 41 of the Planning Act, 1990. Its objectives in using these powers are:

- (a) To ensure property standards of site design for new development;
- (b) To ensure safety and efficiency of vehicular and pedestrian access;
- (c) To minimize incompatibilities between new and existing development;
- (d) To control the location of driveways, parking, loading and garbage collection facilities;
- (e) To ensure easements or grading and alteration necessary to provide for public utilities and site drainage;
- (f) To ensure that the development proposed is built and maintained as approved by Council.

It is administration's opinion that the proposed development is in compliance with the objectives of the Planning Act and the Municipality's policies.

RECOMMENDATION:

THAT the site plan be approved for the proposed greenhouse expansion - phase 3 and 4, located at 327 Essex Road 18 (C & B Farms Inc.) as outlined in Report PLA 39/11;

AND FURTHER, that the Mayor and Clerk be authorized to execute the site plan agreement.

Respectfully submitted,

Denise McGregor,
Planning Technician

Tracey Pillon-Abbs,
Manager of Planning Services

/dm/

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